

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY WIMBUSH,

Plaintiff,

v.

CITY OF PHILADELPHIA, et al.

Defendants.

CIVIL ACTION
No. 16-05783

ORDER

AND NOW, this 12th day April, 2017, after consideration of Defendants' motion to dismiss, (ECF No. 2), it is hereby **ORDERED** that the motion is **GRANTED** in part and **DENIED** in part. The motion is **DENIED** with respect to Counts III and IV. Counts I, II, V, and VI are **DISMISSED** without prejudice. Plaintiff may file an Amended Complaint on or before **May 5, 2017**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.